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10/776,145

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Colin Fong

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT

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3718

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,145	<b>Applicant(s)</b> FONG, COLIN	
	<b>Examiner</b> JAMES S. MCCLELLAN	<b>Art Unit</b> 3718	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Applicant's Submission of a Response***

1. Applicant's submission of a response on January 20, 2010 has been received and fully considered. In the response, claims 1, 14, 21, and 40 have been amended; and claims 42-45 have been canceled. Therefore, claims 1-41 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-32 and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0119581 to Cannon et al. "Cannon".
4. Claim 1, 14, 19, 21, 22, 24, 44, : Cannon discloses a gaming machine system which includes a system controller; a plurality of gaming machines linked to the system controller (fig 3), each gaming machine having a first display and a game controller arranged to control images of symbols displayed on the first display (fig 3-4), the game controller being arranged to play a game wherein at least one random event is caused to be displayed on the first display (fig 4) and, if a predefined winning event occurs, the machine awards a prize (par 34,48); a second display; and a feature game where, during play of the feature, feature images associated with

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the feature game are displayed on the second display (fig 4); and a remote display to which each of the gaming machines is connected, the remote display being visible to a player playing any one of the gaming machines connected to the remote display (par 46, 53), at least certain of the feature images having first image content occurring on the second display of at least one of the gaming machines during the playing of the feature game on that gaming machine cooperating with at least certain different feature images having second image content displayed with a different representation (Cannon shows image content on each of the displays 162 and 236 that changes over time; therefore, at a time t1, displays 162 and 236 may be the same, but at time t2, the image on display 236 will be different than the image on display 162 at time t1) on the remote display to communicate a feature an outcome of the feature game on the gaming machine (par 46, 53, i.e. the game images of the bonus game is sent to the remote display), wherein there are a plurality of different outcomes possible from the feature game and feature images displayed on the remote display during play of the feature game represent that there are a plurality of possible outcomes of the feature game (par 49 and 54), and wherein the determination of a feature outcome for one of the gaming machines affects a subsequent determination of a feature outcome for another one of the gaming machines (par 60 i.e. the system can eliminate an award outcome from the bonus game once a player achieves that outcome and par 74, i.e. a players success outcome of the previous game affects the player's progress in the subsequent game).

5. Claim 2,23: in which a predetermined trigger condition, triggered by one of the game controller and the system controller, occurring during playing of a base game on any one of the gaming machines causes the feature game to commence, the trigger condition being

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configured so that, when it occurs on any one of the gaming machines, all active gaming machines enter the feature game, wherein the feature outcome for each of the gaming machines is dependent on both a selection made by a player during play of the feature game and any earlier determinations of a feature outcome on another one of the active gaming machines (par 48, 49, par 60).

6. Claim 3: in which the feature game is an ongoing feature where, whenever a trigger condition, triggered by one of the game controller and the system controller, occurs on any one gaming machine to trigger the feature game, the feature game is played on that gaming machine, including the display of the feature images on the second display and the display of the at least certain different feature images on the remote display, any other gaming machines continuing with their respective games until the feature game is triggered on said any other gaming machines (par 69, i.e. stand alone machine).
7. Claim 4 : wherein when the feature game is initiated, an initial display on the first display of the gaming machine includes icons relating to the feature images on the second display of that gaming machine the icons being selectable by the player to directly affect both the content of the feature images on the second display and the at least certain different feature images on the remote display (fig 4,5).
8. Claim 5,15: in which each gaming machine includes a selector operable by a player of the feature game to enable the player to make at least one selection associated with the feature game, the selection affecting which one of the plurality of different outcomes occurs in the feature game, and wherein the same selections are available at each of the gaming machines when the feature game is played and wherein a prize associated with a said selection is

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awarded at the first gaming machine to provide the feature game and have the selector operated to select that selection (par 56, 58).

9. Claim 6, 29: in which the feature game involves playing for prizes associated with the remote display, wherein the selection directly affects which one of a plurality of possible prizes is awarded and wherein after prize has been won from a particular selection, the prize subsequently associated with that same selection is determined according to a random selection process (par 57 and par 60).
10. Claim 7, 30: in which representations of the prizes are arranged, at least initially, in a concealed condition on the remote display and wherein the selection by the player is a selection of a said prize that is in a concealed condition, the selection of that prize resulting in the prize being revealed and awarded (par 57, i.e. bonus markers are invisible and visible when a player selects the location).
11. Claim 8, 31: in which prizes are associated with predetermined, hidden places on a representation of a location displayed on the remote display (par 57).
12. Claim 9: in which the images appearing at least on the first display of each participating gaming machine are synchronized with the images appearing on the remote display (par 46).
13. Claim 10, 32: in which a representation of the location similar to that displayed on the remote display is displayed on the first display and the player, using the selector, selects a position on the representation of the location which the player believes will result in a prize winning outcome of the feature game (par 46, 53.57).

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14. Claim 11: in which one of the game controller and the system controller causes a prize to be replaced whenever any prize is revealed during playing of the feature game (par 60, i.e. prizes regenerated once awarded to player).
15. Claim 12: in which the feature game comprises a fixed set of prizes (par 58,59).
16. Claim 13: in which the fixed set of prizes includes progressive jackpot prizes (par 58).
17. Claim 16: in which the selector is a touch-screen facility of the first display (par 50).
18. Claim 17: which includes a cabinet in which the first display is mounted (fig 4).
19. Claim 18: which includes a top box mounted on the cabinet, the second display being mounted in the top box (fig 4).
20. Claim 20: in which the base game preceding the feature game is a spinning reel game (fig 4).
21. Claim 25: in which the system controller randomly selects a number representative of a monetary amount falling in a fixed range between a lower value and an upper value of a progressive jackpot and when the progressive jackpot value is incremented to that value by one of the linked gaming machines, the feature game is initiated by the system controller and all gaming machines of the system being played at that time commence the feature game (par 51).
22. Claim 26: which includes setting other conditions with which a player must comply in order to be eligible to participate in the feature game (par 49).
23. Claim 27: in which the feature game is an ongoing feature where, whenever a trigger condition occurs on any one gaming machine to trigger the feature game, the feature game commences on that gaming machine, any other gaming machines continuing with the base game until the feature game is triggered on said any other gaming machines (par 49,50).

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24. Claim 28: which includes displaying on the second display of each gaming machine a plurality of feature images and, when the trigger condition occurs in the base game and the feature game is initiated, displaying as an initial display on the first display of the gaming machine icons relating to the feature images on the second display of that gaming machine (fig 4).
25. Claim 40: A gaming machine system which includes a plurality of gaming machines including a first display and a second display and includes a remote display common to the plurality of gaming machines (fig 4, par 46), each gaming machine providing a base game that is played according to a random selection process (abstract), the base game involving the award of a prize on the occurrence of a winning event during play of the base game (par 34), each gaming machine further providing a feature game that is common to the plurality of gaming machines (abstract), wherein during play of the feature game on a said gaming machine: images are caused to be displayed on the primary game representing a plurality of choices available to a player in the feature game (par 50), the gaming machine including a selector allowing the player to select one of the plurality of choices (par 55, 56); following selection of one of the plurality of choices, a sequence of images is displayed on the first display that represent the result of the selection made using the selector (par 56, fig 4), the sequence of images representing that the selection affects the outcome of the feature game (par 56, fig 4, i.e. the movement of each player affects the outcome of the play), at least a portion of the sequence of images displayed on the first display is duplicated on the remote display (par 46), and the second display shows an enlarged representation of at least a portion



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of the sequence of images displayed on the first display (par 46, i.e. remote display is the same as the second display).

26. Claim 41: wherein during play of the feature game on the gaming machine images are caused to be displayed on the first display representing a second plurality of choices available to a player in the feature game, the gaming machine including a selector allowing the player to select one of the plurality of choices, wherein the second plurality of choices are customizations of the sequence of images on at least one of the displays that do not have an effect on, and are not represented as affecting, the outcome of the feature game (par 50, 54, 56, i.e. once the player qualifies, the player is sent a message to activate the bonus game. Once activated, allows the player to select one of the play markers which customizes the appearance of the player as s/he moves through the game. The type of marker selected as no effect on the outcome of the game).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon.

29. Claim 33: Cannon teaches all the present invention as shown above but fail to teach displaying the movement of the player icon on the first display.

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30. Cannon teaches displaying a scene on the second display (fig 4) representative of the selected icon moving towards the location (fig 4, i.e. icon moving towards the bonus marker) which is displayed on the remote display (par 46)
31. However, further displaying this same information on another display device such as the first display is a matter of design choice. It has been shown above that an ordinary skilled artisan is capable of displaying game information on a display device. Choosing which display device to display the information is a matter of an obvious design choice well within the skill level of an ordinary skilled in the art.
32. Claim 34: which includes displaying a representation of the selected icon arriving at the selected position at the location and revealing the representation of the prize (par 55,56, fig 4).
33. Claim 35: which includes selecting the prize from a fixed set of prizes randomly distributed by one of the game controller and the system controller at the positions of the location (par 51).
34. Claim 36: which includes replacing a prize whenever any prize is revealed during playing of the feature game (par 60).
35. Claim 37: which includes, whenever any prize is revealed, replacing a prize of the same value as the revealed prize at the location but at a different position and, once again, hidden from view (par 60, par 57).
36. Claim 38: Cannon fail to teach once a selection of a prize has been made, again randomly distributing all outcomes over all the positions of the location.
37. Cannon teaches using a random system to randomly distribute bonus awards (par 60).

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38. It would have been obvious to one of ordinary skilled in the art at the time of the invention to randomly re distribute bonus awards anytime a player wins an award. This would provide a more exciting by adding more suspense to the game.

39. Claim 39: which includes randomly shuffling the set of prizes so that the next outcome is selected from a new distribution of prizes about the positions of the location (par 60).

40. Claims 40 and 41 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon.

41. Claim 40:Cannon teaches a gaming machine system which includes a plurality of gaming machines including a first display and a second display and includes a remote display common to the plurality of gaming machines (fig 4,par 46), each gaming machine providing a base game that is played according to a random selection process (abstract), the base game involving the award of a prize on the occurrence of a winning event during play of the base game (par 34), each gaming machine further providing a feature game that is common to the plurality of gaming machines (abstract), wherein during play of the feature game on a said gaming machine: images are caused to be displayed on the primary game representing a plurality of choices available to a player in the feature game (par 50), the gaming machine including a selector allowing the player to select one of the plurality of choices (par 55,56); following selection of one of the plurality of choices, a sequence of images is displayed on the first display that represent the result of the selection made using the selector (par 56, fig 4), the sequence of images representing that the selection affects the outcome of the feature game (par 56, fig 4, i.e. the movement of each player affects the outcome of the play), at least

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a portion of the sequence of images displayed on the first display is duplicated on the remote display (par 46)

42. Cannon fail to teach a second display that shows an enlarged representation of at least a portion of the sequence of images displayed on the first display.

43. However, Cannon teaches displaying the at least a portion of the sequence of images displayed on a large remote display offering an enlarged representation of said images (par 46).

44. It would have been obvious to one of ordinary skilled in the art to have a first display that shows an enlarged representation of at least a portion of the sequence of images displayed on the first display.

45. Claim 41: Cannon teaches wherein during play of the feature game on the gaming machine images are caused to be displayed on the first display representing a second plurality of choices available to a player in the feature game, the gaming machine including a selector allowing the player to select one of the plurality of choices, wherein the second plurality of choices are customizations of the sequence of images on at least one of the displays that do not have an effect on, and are not represented as affecting, the outcome of the feature game (par 50, 54, 56, i.e. once the player qualifies, the player is sent a message to activate the bonus game. Once activated, allows the player to select one of the play markers which customizes the appearance of the player as s/he moves through the game. The type of marker selected as no effect on the outcome of the game).

***Response to Arguments***

46. Applicant's arguments filed 4/27/09 have been fully considered but they are not persuasive.

Applicant's primary argument found in the paragraph bridging pages 12 and 13 is that Cannon does not disclose "causing feature images having first image content on at least one the displays of at least one of the gaming machines during the playing of the feature game on the at least one gaming machine to cooperate with at least certain different feature images having first image content occurring on the remote display and using the feature images in determining a feature outcome on the at least one gaming machine participating in the feature game....Cannon simply enlarges the second display's content and displays the same content on the remote display." While the Examiner agrees that displays 162 and 236 appear to display the same content at the same point in time, the independent claims do not require the first image content to be different than the second image content at the same moment in time. Therefore, since Cannon discloses image content that changes over time, at a first time (t1) display 162 will have different image content than at a second time (t2) on display 236. For at least this reason, the rejection is maintained.

***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES S. MCCLELLAN whose telephone number is (571)272-7167. The examiner can normally be reached on Mon-Fri (8:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vo Peter can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/  
Primary Examiner, Art Unit 3718

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